

2206C
06/15/92

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4372

AN ORDINANCE prohibiting the discharge of fireworks in 1992 as the result of a fire emergency; directing the Fire Chief to deny permits for the retail sale of fireworks as the result of the emergency; and amending Sections 23.11.780 and 23.11.781 of the Bellevue City Code.

WHEREAS, a severe shortage of water and continued lack of precipitation in recent months have resulted in extremely dry vegetation and ground cover in the greater Puget Sound area and throughout the City of Bellevue; and

WHEREAS, the City Council has been advised that vegetation and landscaped areas in Bellevue are highly combustible at the current time, to the point of being tinder dry, and may be more so by the first week of July and that the discharge of fireworks under these conditions would be extremely hazardous; and

WHEREAS, the potential for fires to threatened structures in the City is greatly increased under these conditions; that conditions of dryness in area forestlands are approximately six weeks in advance of usual due to the mild winter and unusually dry weather conditions; that there are areas in Bellevue, including parks and residential neighborhoods, representative of such forestlands that are currently at risk of rapid fire spread; and that fireworks present a serious potential ignition factor for those areas; and

WHEREAS, the City Council believes that the water shortage and drought conditions currently in existence require that for the immediate protection of the public health, safety and welfare, a prohibition on the discharge of fireworks is necessary; and

WHEREAS, based on such emergency conditions, the City Council finds and concludes that no permits should be issued for the retail sale of fireworks in 1992; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

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Section 1. of Ordinance No. 3838, codified as BCC 23.10.1460 and recodified pursuant to Section 2D of Ordinance No. 4074 as BCC 23.11.780, is hereby amended to read as follows:

23.11.780. Fireworks - Period of Discharge. No person shall ignite or discharge any fireworks except between the hours of 9:00 a.m. and 11:00 p.m. on July 4th of any year; provided that the City Council hereby declares an emergency as the result of dry conditions, wind, water shortage and the diminished capacity to properly control and extinguish fires which may occur as the result of the discharge of fireworks, and hereby prohibits the discharge of any fireworks in calendar year 1992.

Exceptions:

1. Public displays authorized by permit issued pursuant to RCW 70.77.260(2).
2. Use by a group or individual for religious or other specific purpose on an approved date at an approved location pursuant to a permit issued pursuant to RCW 70.77.311(2)(c) and (d).
3. Use of trick and novelty devices as defined in WAC 212-17-030, as amended, and use of agricultural and wildlife fireworks as defined in WAC 212-17-045, as amended.

Section 2. Section 21 of Ordinance No. 3376 as amended by Section 2 of Ordinance No. 3838, codified as BCC Section 23.10.1461 and recodified pursuant to Section 2E of Ordinance No. 4074, as BCC 23.11.781 are hereby amended to read as follows:

23.11.781. Uniform Fire Code Section 78.102 amended - Fireworks Permits

Section 78.102 of the Uniform Fire Code as adopted by this chapter is amended to read as follows:

"Section 78.102(a). No person, firm or corporation shall manufacture, sell, either at wholesale or retail, or store fireworks or engage in a public display of fireworks without first having obtained a permit issued pursuant to chapter 70.77 RCW (State Fireworks Law) and chapter 212-17 WAC (Rules of the State Fire Marshal Relating to Fireworks).

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- "(b) Permits issued for the retail sale of fireworks shall restrict any authorized retail sales period to between the hours of 12:00 noon and 11:00 p.m. on the twenty-eighth day of June; between the hours of 9:00 a.m. and 11:00 p.m. on the twenty-ninth day of June through and including the third day of July; and between the hours of 9:00 a.m. and 9:00 p.m. on the fourth day of July; provided, that pursuant to the emergency declared in Section 1 of this ordinance by the City Council as the result of dry conditions, wind, water shortage and the diminished capability to properly control and extinguish fires which may occur as the result of the discharge of such fireworks, the City Council hereby directs the Fire Chief not to issue any permits for the retail sale of fireworks in calendar year 1992.
- "(c) Permits for the retail sale of fireworks shall restrict any authorized retail sales to persons 16 or more years of age. Sellers shall require proof of age by means of display of a valid Washington State Driver's License or photo identification card issued by the Washington State Department of Licensing. No other forms of identification shall be accepted.
- "(d) The chief may impose additional reasonable requirements consistent with Chapter 212-17 WAC as a condition of the permit.
- "(e) The chief may summarily revoke any fireworks permit(s) for failure to correct a violation of rules or conditions."

Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.


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Section 4. This ordinance shall take effect and be in force five days after passage and legal publication and shall automatically expire on December 31, 1992.

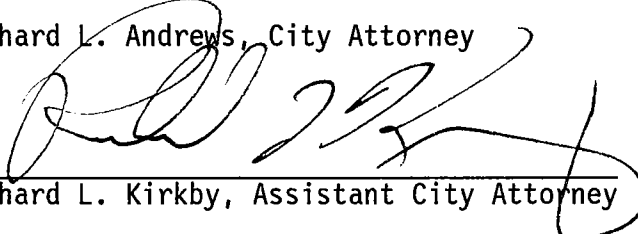
PASSED by the City Council this 15th day of June, 1992, and signed in authentication of its passage this 15th day of June, 1992.

(SEAL)

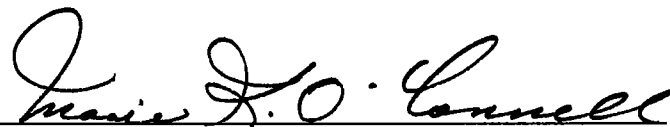

Cary Bozeman, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Kirkby, Assistant City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published June 18, 1992